PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Date of mailing *(day/month/year)*	02-12-2004
Applicant's or agent's file reference 52319 WO	**FOR FURTHER ACTION** See paragraph 2 below

International application No.	International filing date *(day/month/year)*	Priority date *(day/month/year)*
PCT/IB2004/001138	15-04-2004	---

International Patent Classification (IPC) or both national classification and IPC
G06F1/00, G06F17/60

Applicant
NOKIA CORPORATION ET AL

1. This opinion contains indications relating to the following items:

- [X] Box No. I Basis of the opinion
- [ ] Box No. II Priority
- [ ] Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- [ ] Box No. IV Lack of unity of invention
- [X] Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- [X] Box No. VI Certain documents cited
- [ ] Box No. VII Certain defects in the international application
- [ ] Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further opinions, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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International application No.
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Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

   ☐ This opinion has been established on the basis of a translation from the original language into the following language, _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

   a. type of material

   ☐ a sequence listing

   ☐ table(s) related to the sequence listing

   b. format of material

   ☐ in written format

   ☐ in computer readable form

   c. time of filing/furnishing

   ☐ contained in the international application as filed.

   ☐ filed together with the international application in computer readable form.

   ☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

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Box No. V **Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims	1-39	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-39	NO
Industrial applicability (IA)	Claims	1-39	YES
	Claims		NO

2. Citations and explanations:

THE INVENTION

The claimed invention according to claims 1-39 relates to applications and devices using applications, especially mobile gaming devices. The claimed invention solves the problem of distributing and using applications and game applications on mobile devices. The invention also solves the problem of letting a user try an application such as a game e.g. a certain amount of times or a certain time before buying it.

CITATIONS

The examination process has revealed the following documents:

D1: WO 02/49732 A1
D2: WO 01/72064 A1
D3: EP 1 229 476 A2

STATEMENT

Document D1, which is regarded as being the closest prior art to the subject-matter of the claimed invention, reveals a method for mobile game devices, see abstract and claim 15. According to the system and method presented in D1, a demo version of a game could be distributed wirelessly to a user.

In one embodiment of the invention according to D1, the host server computer broadcast updates to the entertainment software and transmits software encryption keys to authorize the wireless remote entertainment systems to operate for a predetermined time or amount of usage, or activates an otherwise locked system to operate permanently, se page 3, line 22-28 and page 8, line 31-page 9, line 13.

.../...

Supplemental Box

In case **the space in any of the preceding boxes is not sufficient.**
Continuation of: Box V

The invention according to the independent claims 1, 27, 30, 31, 32, 37 and 39 differ from the art described in D1 in that a different terminology is used. The "surveillance centre" according to the application appears to correspond to the server mentioned in D1.

Also, D1 lacks to in detail communicate to the reader how the detection of a user input directed to start an application is made, and how the communication between the involved entities is performed. However, it appears obvious to a person skilled in the art to use the order of communication proposed according to claims 1, 27, 30, 31, 32, 37 and 39.

Since no unexpected technical effect has been achieved, the invention defined in claim 1, 27, 30, 31, 32, 37 and 39 is considered as an obvious application of known art.

The remaining claims are considered to involve particular detail executions obvious to a person skilled in the art. Therefore, the invention according to these claims is not considered to involve an inventive step.

Document D2 presents a system and method for downloading game programs stored in a game server to a mobile terminal via a wireless network, see abstract. The system comprises a web game server for uploading various game programs; a game database for dividing the game programs into program codes and data and storing the same; a mobile terminal for receiving a game list stored in the web game server via the network, selecting a desired game from the game list, downloading corresponding program codes and data, and playing the game using the game program codes and the data; and a wireless network service system for connecting the mobile terminal and the web game server.

Further, D2 describes a method for downloading a network game program to a mobile terminal comprising: automatically reading predetermined number information of the mobile terminal when it is connected to a mobile terminal game program-providing site on a network, and comparing the information with specifications of products of terminal

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Supplemental Box

In case **the space in any of the preceding boxes is not sufficient.**
Continuation of: Box V

manufacturers previously established as a database so as to determine whether to download a program; outputting a use prohibition message when downloading of a program is not allowed, and outputting a menu screen of a game category, selecting a desired game to be downloaded, performing a demonstration simulation of the selected game so as to determine whether to perform a download when downloading of a program is allowed ; and performing a download and automatic billing when downloading is selected, see page 3, line 17-page 4, line 8.

A similar argumentation as for D1 could be made. Consequently, claims 1-39 lacks inventive step also with regard to D2.

The cited document D3 represents the general state of the art. The invention defined in claims 1-39 is not disclosed by this document.

CONCLUSION
To conclude, the invention defined in claims 1-39 is novel but is considered to lack an inventive step regarding the art known from D1-D2. The invention is industrially applicable.

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.
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Box No. VI Certain documents cited

1. Certain published documents (Rules 43*bis*.1 and 70.10)

Application No. Patent No.	Publication date *(day/month/year)*	Filing date *(day/month/year)*	Priority date (valid claim) *(day/month/year)*
WO 2004/070589 A1	19/08/2004	07/02/2003	
US2004/0185872 A1	23/09/2004	02/12/2003	27/12/2002

2. Non-written disclosures (Rules 43*bis*.1 and 70.9)

Kind of non-written disclosure	Date of non-written disclosure *(day/month/year)*	Date of written disclosure referring to non-written disclosure *(day/month/year)*